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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/352,404	07/14/1999	ROBERT LOUIS CUPO	CUPO-20-2	2209

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EXAMINER

BAYARD, EMMANUEL

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 07/03/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/352,404

Applicant(s)

CUPO ET AL

Examiner

Emmanuel Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. This is in response to amendment filed on 4/15/03 in which claims 1-8 and 10-22 are pending and claim 9 is canceled. The applicant's amendments have been fully considered but they are moot based on the new ground of rejection. Therefore this case is made final (See examiner new rejection below).

Claim Objections

2. Claim 3 is objected to because of the following informalities: in line 1, replace "he" before OFDM with --the--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 22, 10-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 12 recites the limitation "the phase locked loop" in line 9. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 12 recites the limitation "the transmitter" in line 11. There is insufficient antecedent basis for this limitation in the claim.

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Claims 10-11 are likewise rejected because they depend on a base rejected claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-8, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al U.S. Patent No 5,774,450 in view of Isaksson et al U.S. Patent No 5,812,523.

As per claims 1, 12 and 21, Harada discloses an OFDM receiver comprising: means for recovering and sampling rf signal from a transmitter into in-phase (I) and quadrature (Q) components of a baseband signal (see fig.9 element 34 and col.8, lines 61-67 and col.14, line 30-34); means for computing auto correlation (see fig.9 element 81 and col.18, lines 10-15) amplitude and phase values of the I and Q components at sample points; means for averaging (see col.10, lines 42-60 and col.16, lines 53-67 and saving (see col.18, lines 10-40) the auto correlation values of the I and Q components over L symbols; a fed back (see fig.9 element 66 and col.12, lines 8-15 and col.15, lines 45-52 and col.16, lines 7-18 and col.17, lines 18-25, 53-55) sampling corresponds to the claimed (phase locked loop means for providing a sample) number indicating an OFDM symbol boundary using the averaged I and Q auto correlation values and output signal locked (see col.10, lines 22-41, 65-67) to the transmitter rf signal; means for

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providing a receiver clock chain output phase locked to the transmitter rf signal (see col.10, lines 12-40); means for correcting frequency and timing offset between the receiver and the transmitter in the sample number (see col.4, lines 30-40 and col.5, lines 52-60 and col.6, lines 1-6 and col.16, lines 1-19)

However Harada does not teach a fed back (see fig.9 element 66 and col.12, lines 8-15 and col.15, lines 45-52 and col.16, lines 7-18 and col.17, lines 18-25, 53-55) sampling corresponds to the claimed (phase locked loop means for providing a sample) number indicating an **OFDM frame** boundary using the averaged I and Q auto correlation values and output signal locked (see col.10, lines 22-41, 65-67) to the transmitter rf signal and means for providing an offset value indicative of the phase difference between the receiver and a transmitter;.

Isaksson et al teaches (phase locked loop means for providing a sample) number indicating an **OFDM frame** boundary using the averaged I and Q auto correlation values and output signal locked (see fig.1 and col.2, lines 55-67 and col.7, lines 34-35) to the transmitter rf signal and means for providing an offset value indicative of the phase difference between the receiver and a transmitter (see col.5, lines 35-65).

It would have been obvious to one of ordinary skill in the art to implement the teaching of Isaksson et al into Harada as to achieve accurate synchronization between the transmitter and the receiver.

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As per claims 2 and 13, the receiver of Harada would include the estimating frame synchronization of the OFDM boundary of Isaksson (see fig.1 and col.2, lines 55-67) as to achieve accurate synchronization between the transmitter and the receiver.

As per claims 3, 15 and 16, Harada would include means for phase locking the transmitter and the receiver as to achieve accurate synchronization between the transmitter and the receiver.

As per claim 4, Harada would include means for estimating the transmitter and the receiver frame offset as to correct frequency error between the receiver and the transmitter.

As per claims 5 and 14, Harada teaches means responsive to the sample number and a negative angle of the auto correlation values for correcting for frequency synchronization, symbols synchronization and transmitter/receiver frequency offset (see fig.9 element 66).

As per claim 6, the receiver of Harada does include means responsive to a sampling clock for generating I/Q signals (see fig.9 element 3).

As per claims 7 and 17, the receiver of Harada does include a means for storing the sampled I/Q coupled to the auto correlation means and a correction means (see col.18, lines 10-40).

As per claims 8 and 18, the receiver of Harada does include a means for storing the sampled I/Q. Furthermore implementing the storing means to be coupled to offset estimator and a frame synchronization estimator would have been obvious to one skilled in the art as to provide an accurate synchronization between the transmitter and the receiver.

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As per claim 19, Harada would include adjusting the phase angle of each sample in a storing means by an amount proportional to "n" so that the broadcast system would tie its transmitter clock directly to its receiver clock so its transmit at the same position within the slot as it receives

As per claim 20, Harada would include averaging the auto-correlation values over frames in a storage device as to provide an accurate synchronization between the transmitter and the receiver.

Allowable Subject Matter

9. Claim 22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

10. Claims 10-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: the present invention teaches a method for correcting timing and frequency offset in an OFDM receiver. The prior arts of Harada U.S. Patent No 5,774,450 and Isaksson U.S. Patent No 5,812,523 teach a similar method. However the above mentioned prior arts fail to anticipate or render obvious the following recited features: a phase locked loop having a means for processing the frame difference through a filter and means responsive to the filter for integrating and

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rounding off the frame difference to the nearest integer value and a counter means responsive to the integer value providing a sample number for a desired frame boundary as recited in claim 22.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

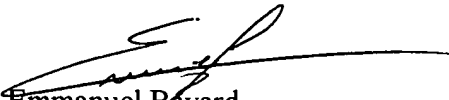
Kishimoto et al U.S. Patent No 6,314,083 B1 teaches a frequency control device.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel Bayard whose telephone number is (703) 308-9573. The examiner can normally be reached on Monday-Thursday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378. The fax phone number for this Group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Emmanuel Bayard

Primary Examiner

June 27, 2003